

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KEITH VAN SANT,	:	CASE NO. 1:17-CV-01552
	:	
Plaintiff	:	
	:	
v.	:	(Chief Magistrate Judge Schwab)
	:	
CHOICE HOTELS	:	
INTERNATIONAL, INC., <i>et al.</i> ,	:	
	:	
Defendants	:	

ORDER

February 5, 2020

Following a pretrial conference and in accordance with the discussion at that conference, **IT IS ORDERED** that:

(1) because the defendants failed to raise any issue regarding Mr. Moore's testimony after the hearing on December 19, 2019 (when I inquired about experts) or in a letter filed on the docket in accordance with the Order of October 7, 2019, defendants waived their objections to Mr. Moore's testimony, but Mr. Moore nevertheless will not be allowed to give opinions that would not be helpful to the jury (e.g., the defendants were negligent) or as to which he is not qualified to give an opinion (i.e., causation), the defendants' motion (*doc. 91*) in limine to preclude the testimony of Mr. Scott D. Moore, P.E. is **GRANTED IN PART** and **DENIED IN PART** as follows:

(a) Mr. Moore will not be allowed to give legal opinions such as that the defendants were negligent, that the ramp was dangerous or a safety

hazard, that the defendants' actions regarding the ramp were not reasonable, or similar conclusions;

(b) Mr. Moore will not be allowed to testify regarding causation;

(c) Mr. Moore will be allowed to testify regarding building codes and standards and the defendants' compliance with such;

(d) Mr. Moore will be allowed to rely on the measurements taken by Mr. Szayna provided there is testimony that such measurements are the type of facts or data on which an expert in the field would reasonably rely;

(2) On or before 5:00 p.m. on Friday, February 7, 2020:

(a) counsel shall file a joint letter listing the exhibits as to which there is still an objection or objections and outlining each party's position as to the objection or objections;

(b) counsel for the plaintiff shall file a stipulation dismissing Choice Hotels International, Inc.; and

(c) after discussing the issues and attempting in good faith to resolve any issues regarding testimony about the video of Mr. Van Sant's fall, if there remains any issues, counsel shall file a joint letter outlining each party's position on the issues.

S/Susan E. Schwab

Susan E. Schwab

Chief United States Magistrate Judge